



Summary of Changes to Home and Community Based Services (HCBS) Statewide Transition Plan (STP) from November 2015 to May 2016

The Department seeks public comment on a third version of the Statewide Transition Plan (STP.3).

The Department publicly noticed its original Home and Community Based Services (HCBS) Statewide Transition Plan (STP.1) on July 30, 2014. After receiving and addressing public comments, the Department submitted STP.1 to the Centers for Medicare & Medicaid Services (CMS) on November 19, 2014.

CMS provided comments on STP.1 via letter dated July 30, 2015. The Department addressed these comments, made additional revisions, and provided updates to create STP.2. STP.2 was publicly noticed on October 13, 2015. After receiving and addressing public comments, the Department submitted STP.2 to CMS on November 15, 2016.

CMS provided comments on STP.2 via letter dated January 12, 2016 and subsequent emails. The Department addressed these comments and made additional revisions and updates to create STP.3, which is now being publicly noticed.

The principal changes between STP.2 and STP.3 are:

1. Addition of an Executive Summary that introduces the HCBS Settings Rule, identifies affected Colorado waivers and settings, and provides an overview of the STP.
2. Reorganization of key Program Components and combination of duplicative Action Items in order to streamline and clarify the STP. For example, in STP.2, Action Items 9, 21-23, 26, and 28 all related to the process of reviewing Colorado statutes, regulations, and waivers to determine whether these authorities are compliant with, silent on, or in conflict with the HCBS Settings requirements; and then preparing a crosswalk summarizing this analysis and recommending any changes necessary to achieve compliance. These items are now consolidated in STP.3 in Action Item 21.
3. Clarification and updating of certain target dates.



- Current Action Items 21-23 clarify that the crosswalk was prepared on April 15, 2016; is being publicly noticed by May 5, 2016 (simultaneously with STP.3); and will be submitted to CMS by June 30, 2016.
- Clarification is provided for the following milestones in current Action Items 14-19:
 - 1) When Colorado will complete its site-specific assessments: Site-specific assessments will be complete and submitted to CMS by March 5, 2018. Specifically, initial site visits and Provider Transition Plans (PTPs) will be completed by January 1, 2017. A remediation and check-in period then follows (see below). Updated PTPs with supporting evidence will be completed by December 31, 2017, allowing the Department to determine whether each provider has made any required changes (including any necessary to be put forward to CMS for heightened scrutiny) or whether the provider needs to begin the process of transitioning clients from the impacted setting to another setting. These final outcomes will be publicly noticed by January 31, 2018, and they will be submitted to CMS by March 5, 2018.
 - 2) How often Colorado will check in on provider progress during the remediation period: Providers are asked to submit an update to their PTP within six months of their site visit or initial submission of their PTP without a site visit (if the provider was asked only to complete a PTP), with evidence of any changes made (e.g., new leases or resident agreements). The Department may request further six-month updates or conduct additional site visits as necessary, including to better understand how individuals are experiencing any changes made by the provider.
 - 3) At what point Colorado will determine that a provider will not be able to achieve compliance and must initiate relocation processes for clients: As stated above, December 31, 2017.
 - 4) Colorado's planned schedule for the heightened scrutiny process will be: The heightened scrutiny process will be part of the site assessment schedule described above, including initial site visits and PTPs (which will assess the potential application of heightened scrutiny and plan for any changes the provider must make) to be completed by January 1, 2017; a remediation and check-in period; updated PTPs with supporting evidence to be completed by December 31, 2017 (including information to allow the Department to determine whether each provider has made any changes necessary to be put forward to CMS for heightened scrutiny, or whether the provider needs to begin the process of transitioning clients from the impacted setting to another setting); these final outcomes will be publicly noticed by January 31, 2018; and they will be submitted to CMS by March 5, 2018.
- 4. Addition of new Findings/Outcomes/Results where available. For example, more providers have completed the Initial and/or Secondary Provider Self-Assessment Surveys, allowing for updated information to be incorporated into Action Item 11. As



another example, substantial progress has been made in preparing for and beginning on-site surveys, allowing for a description of the materials that are being used for this process and an update on the initial round of site visits to be incorporated into Action Item 13.

5. Adjustment to the planned sampling methodology for site visits (see Action Item 14) based on advice from the Department's contractor, the Lewin Group.
6. Addition of an Action Item at the end of the STP to provide quarterly updates to CMS, as requested in a March 7, 2016 email from CMS.

